IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WA.No. 2974 of 2001

AGAINST JUDGMENT DATED 27.10.2000 IN O.P.NO.3393 OF 1998-D

APPELLANTS/RESPONDENTS 1 & 2:
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1. KERALA STATE HOUSING BOARD, REPRESENTED BY ITS SECRETARY, TRIVANDRUM.

2. THE REGIONAL ENGINEER, KERALA STATE HOUSING BOARD, COCHIN HOUSING UNIT, PANAMPILLY NAGAR, COCHIN-682 036.

BY STANDING COUNSEL SRI.POOVAPALLY M.RAMACHANDRAN

RESPONDENTS/PETITIONERS & 3RD RESPONDENT:
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1. KUMARANASAN NAGAR RESIDENTS' ASSOCIATION, (REGD.) PLOT NO.90, KUMARANASAN NAGAR, COCHIN-682 020, REPRESENTED BY ITS PRESIDENT LT.COL.A.N.DHARMARAJAN (RTD).

2. THOMAS CHERIYAN, PLOT NO.124, KUMARANASAN NAGAR, COCHIN-682 020.

3. THE STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

BY ADV. SRI.N.SUKUMARAN

THIS WRIT APPEAL HAVING COME UP FOR ORDERS ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2974 of 2001 &
C.M.P.No.6577 of 2001

Dated, this the 2nd day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Delay in filing the writ appeal is condoned.

2. Aggrieved by the orders passed by the learned Single Judge in O.P.No.3393 of 1998 dated 27th October, 2000, respondents 1 and 2 in the Original Petition, namely the Kerala State Housing Board and its Regional Engineer have filed this appeal.

3. This Court while disposing of the writ petition has issued the following directions:

> "6. On the findings on the above objections, I direct the respondents to re-calculate the total valuation and pass fresh orders and make fresh demands on the basis of such calculation. There will also be a direction to issue the title deeds to the members of the first petitioner association including the second petitioner on payment of the amounts so calculated. The amount should be calculated within three months from the date of receipt of a copy of this judgment and title deed should be executed within two months from the date of payment of the amount as demanded."

4. After filing the writ appeal nothing appears to have been done by the learned counsel appearing for the appellants. In fact, there is not even an interim order passed by this Court.

5. Pursuant to the directions issued by this Court, the Housing Board might have re-calculated the total amount payable by the

members of the first petitioner association and thereafter might have issued the title deeds to the members of the association.

6. In our opinion, if for any reason, the respondents have not complied with the orders and directions issued in the aforesaid Original Petition, members of the petitioner association would have filed appropriate contempt petition before this Court. Even that has not been done by the members of the petitioner association. That only means that the Housing Board would have complied with the orders and directions issued by this Court in the aforesaid Original Petition.

7. In view of the above, in our view, the relief sought by the appellants (Housing Board) would not survive for consideration of this Court as on today. Therefore this writ appeal is disposed of as unnecessary. However, liberty is reserved to the appellants' learned counsel to move this Court if the appellants have not complied with the orders and directions issued by this Court.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns